

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**DISH NETWORK L.L.C.,
and NAGRASTAR LLC,**

Plaintiffs,

v.

**BAILEY STREAMING TV, LLC and
JON ANTONI BAILEY, individually and
d/b/a BAILEY STREAMING TV, LLC
and BAILEY IPTV,**

Defendants.

Case No. 3:19-cv-01252-M

JOINT REPORT RE: SETTLEMENT STATUS

Pursuant to section 10 of the Court’s Scheduling Order (Dkt. 14), Plaintiffs DISH Network L.L.C. (“DISH”) and NagraStar LLC (“NagraStar” and, collectively with DISH, “Plaintiffs”) and Defendants Jon Antoni Bailey and Bailey Streaming TV, LLC (collectively “Defendants” and together with DISH and NagraStar “the Parties”) respectfully submit this Joint Report and state the following:

- (1) Plaintiffs filed this action on May 24, 2019. (Dkt. 1);
- (2) Defendant Jon Bailey filed an original answer on June 7, 2019 in a *pro se* capacity. (Dkt. 7). Defendant thereafter retained the undersigned legal counsel and filed an Amended Answer on August 5, 2019 on behalf of Bailey (individually) and Bailey Streaming TV, LLC. (Dkt. 15);
- (3) The Parties, through their respective undersigned counsel, met and conferred on pretrial and discovery issues on June 24, 2019 and filed a Joint 26(f) Report with the Court on June 28, 2019. (Dkt. 12);

(4) The Court entered an initial Scheduling Order on July 31, 2019. (Dkt. 14). Section 10 of that Order required, in relevant part:

Settlement Status Report and Settlement Conference: Counsel, or the respective party if not represented by counsel, are directed to confer and file with the court by **November 1, 2019**, a joint report setting forth the status of settlement negotiations and the specific efforts made by the parties to resolve this case. If no efforts have been made, the parties must state the reasons why no settlement efforts have occurred. Counsel shall include in such report a statement about their views about ADR (timing and preference for provider, if any), and desire for a settlement conference to be conducted by the Magistrate Judge.

(5) Pursuant to the requirements set forth above and in the Court's Scheduling Order, the Parties jointly report the following:

(a) The Parties are currently engaged in discovery and, through that process, have exchanged information and documents relevant to the claims at issue in the case;

(b) The Parties have engaged in confidential settlement discussions pursuant to Federal Rule of Evidence 408, and have exchanged written settlement position statements protected under that same Rule;

(c) The Parties are continuing to exchange information and settlement proposals and anticipate scheduling an informal settlement meeting concurrent with the date agreed upon for Plaintiffs to take Defendant Bailey's deposition. The Parties are still working out scheduling and dates for that meeting, but anticipate getting something calendared within the next ninety (90) days;

(d) If the Parties are unable to reach mutually agreeable settlement terms through their ongoing efforts, including the anticipated in-person settlement meeting to be coordinated with Defendant Bailey's deposition, the Parties would be amenable to a formal settlement conference to be conducted with a Magistrate. With regard to timing, the Parties believe

that if a formal settlement meeting is required, it should not take place until the close of all discovery and after Plaintiffs have filed their Motion for Summary Judgment. Pursuant to the Court's Scheduling Order (Dkt. 14), the deadline for dispositive motions is set for November 16, 2020. Accordingly, should the Parties be unable to reach informal settlement terms in the interim, they would participate in a formal settlement conference with a Magistrate after the November 16, 2020 filing deadline.

Dated: October 31, 2019

Jointly submitted,

HAGAN NOLL & BOYLE LLC

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